

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5968 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE AKIL KURESHI

- =====
1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the concerned Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals? : NO

KAILASBEN WD/O. DASHRATHBHAI BHAILALBHAI JANI

Versus

GRAM PANCHYAYAT HIGH SCHOOL

Appearance:

1. Special Civil Application No. 5968 of 2004
MR PRASHANT MANKAD for Petitioners No. 1-4
MR SK PATEL for Respondent No. 1-2
NOTICE SERVED for Respondent Nos. 1-2
MRS FALGUNI PATEL AGP for Respondent No.3 - STATE
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CORAM : HON'BLE MR.JUSTICE AKIL KURESHI

Date of decision: 16/08/2004

ORAL JUDGEMENT

1. Rule. Mr.S.K.Patel, learned advocate waives service of notice of rule, for the respondents No.1 and 2

and Mrs.Falguni Patel, learned AGP waives service of notice of rule, for the respondent No.3 - State.

2. At the joint request of learned advocates appearing for the parties, this petition is taken up for final disposal, today.

3. Learned advocate for the petitioners has submitted that the Workmen's Compensation Commissioner, Nadiad has passed an order dated 28.06.1991 holding the petitioners to be entitled to an amount of Rs.1,01,664/-[Rupees One Lakh One Thousand Six Hundred Sixty Four Only] towards the compensation and penalty and has held the respondents liable to pay the same. It is his case that despite the said order being passed on 28.06.1991, till date, the same is not executed and the petitioners have not received the amount. He says that the petitioners have also filed Recovery Application No.35 of 1993 before the Workmen's Compensation Commissioner, Nadiad. The petitioners have prayed for directions to the respondents to deposit the said amount and in the alternative have requested for expeditious hearing of their Recovery Application No.35 of 1993.

4. Learned advocate for the respondents No.1 and 2 has submitted that the said petitioners have challenged the order of the Workmen's Compensation Commissioner before this Court and according to the said respondents, they are not liable to pay the amount in question and the respondent No.3 i.e. State Government is required to satisfy the decree.

5. Without voicing my opinion with respect to the merits or demerits of the rival contentions, the petition can be disposed of, by providing that the Recovery Application No.35 of 1993, pending before the Workmen's Compensation Commissioner, Nadiad, may be disposed of, expeditiously. Accordingly, it is directed that the Recovery Application No.35 of 1993, pending before the Workmen's Compensation Commissioner, Nadiad shall be disposed of, within a period of three months from the date of the receipt of the copy of this order.

6. With this direction, this petition is disposed of. Rule is made absolute to the aforesaid extent. No order as to costs. Direct service is permitted.

[Akil Kureshi,J.]

(vijay)

